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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,140	04/24/2001	Damien Kessler	PU010005	6046

7590 07/15/2009
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EXAMINER

CZEKAJ, DAVID J

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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07/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: DAMIEN KESSLER, LIGANG LU and BILL WESLEY
BEYERS, JR.

Application No. 09/841,140
Technology Center 2600

Mailed: July 14, 2009

Before, MARIA VIGNONE, *Supervisory Trial Clerk*.
VIGNONE, *Supervisory Trial Clerk*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 17, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

AMENDMENT AFTER FINAL

A review of the file indicates that on December 21, 2007, concurrently with the Appeal Brief, Appellant filed an Amendment After Final cancelling claims 19 – 20 in response to the Final Rejection mailed April 10, 2007. It is not clear whether this Amendment has been considered because an Advisory Action has not been mailed and there is no indication in the IFW as to whether the Amendment After Final will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) to appropriately respond to the Amendment After Final;
- (2) to vacate the Examiner's Answer mailed January 25, 2008;
- (3) to provide a new Examiner's Answer including a correct "Status of Amendment" section in addition to correction to other sections as required; and
- (4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

MTV/nhl

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